

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Smith, et al.

Serial No.: 08/586,777

Filed: 12/07/95

For: PORTABLE COMPUTER HAVING AN INTERFACE FOR DIRECT
CONNECTION TO A MOBILE TELEPHONE

Docket No.: TI-22187

Examiner: Meyers, P.


Art Unit: 2781

Confirm No.: 7439

CORRECTED DECLARATION OF RONALD O. NEERINGS

I, Ronald O. Neerings, do hereby declare:

1. I am an attorney of record in the above-identified application and the attorney at Texas Instruments assigned to prosecute said application.
2. Prior to receiving the "Notice of Abandonment" dated January 10, 2003, I had no knowledge that an Office letter dated May 20, 2002 had been rendered on said application.
3. Prior to receiving the "Notice of Abandonment" dated January 10, 2003, the prosecution file on the above-identified case contained no copy of said Office letter dated May 20, 2002.
4. A copy of a computer screen illustration of the TI legal database docket file for TI-22187 (08/568,777) is attached hereto (two pages). The docket file clearly shows that no Office letter, or any other action for that matter, having a mail date of May 20, 2002 (or any date close thereto), was entered into the TI database. Indeed, the last communication docketed from the USPTO prior to the Notice of Abandonment dated January 10, 2003, was the Decision on Appeal dated March 8, 2002.
5. The first indication that I had that an Office letter had been rendered in the above-identified application was when I received the Notice of Abandonment dated January 10, 2003. Applicants received the Notice of Abandonment dated January 10, 2003 on January 15, 2003.
6. After receiving the Notice of Abandonment dated January 10, 2003, I contacted Examiner Paul Meyers via telephone and requested that he send me a copy of the Office letter dated May 20, 2002. I received a faxed copy of said Office letter (dated May 20, 2002) on February 3, 2003. I reviewed said Office letter and prepared an Amendment - 37 C.F.R. § 1.111 in response to said Office letter (mailed February 24, 2003). In lieu of the above facts, I respectfully submit that the Amendment (mailed on February 24, 2003) is timely.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Ronald O. Neerings6/11/03
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ronald L. Smith, et alSerial No.: **08/586,777**Filed: **12/07/1995**For: **PORTABLE COMPUTER HAVING AN INTERFACE FOR DIRECT
CONNECTION TO A MOBILE TELEPHONE**Docket No.: **TI-22187**Examiner: **Meyers, P.**Art Unit: **2781**Confirm No.: **7439****CORRECTED REQUEST TO WITHDRAW NOTICE OF ABANDONMENT**Assistant Commissioner for Patents
Alexandria, VA 22313-1450**CERTIFICATION OF FACSIMILE TRANSMITTAL**I hereby certify that the above correspondence is being
facsimile transmitted to the Patent and Trademark Office on
June 11, 2003.
Elizabeth Austin

Dear Sir:

Applicants respectfully request that the Notice of Abandonment mailed on January 10, 2003 be withdrawn for the reasons set forth below.

REMARKS

The USPTO mailed a Notice of Abandonment to Applicants on January 10, 2003. The reason for the Abandonment is stated in the Notice as: "Applicant's failure to timely file a proper reply to the Office letter mailed on 20 May 2002" and because "No reply has been received".

The above Notice of Abandonment was quite a surprise to Applicants since Applicants did NOT receive a copy of the above Office letter mailed on 20 May 2002.

TI-22187

-1-

Applicants do not know whether the Office letter was lost in the U.S. Postal System or never mailed to Applicants by the USPTO – Applicants can only state for certain that they did not receive a copy of the Office letter prior to receiving the Notice of Abandonment. Indeed, the last communication of any kind Applicants received from the USPTO regarding this application was a copy of the Decision on Appeal, mailed on March 8, 2002.

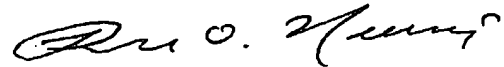
Applicants received the Notice of Abandonment on January 15, 2003. Shortly thereafter, Applicants' representative contacted Examiner Paul Meyers and requested that a copy of the Office letter rendered on May 20, 2002 be faxed to Applicants. Examiner Stephen Elmore faxed a copy of the Office letter rendered on May 20, 2002 to Applicants' representative on February 3, 2003. Applicants reviewed the Office letter and prepared the Amendment (submitted on February 24, 2003) in response to the Office letter.

While more than six months has passed since the Office letter was rendered on May 20, 2002, Applicants respectfully submit that their Amendment of February 24, 2003 is timely since Applicants had no notice of the Office letter until Applicants received the Notice of Abandonment dated January 10, 2003. Accordingly, Applicants respectfully request that the Notice of Abandonment be withdrawn and the Amendment submitted herewith be forwarded on to the Examiner for consideration on the merits.

Applicants submitted the declarations of Ronald O. Neerings and Allen B. Kroger on February 24, 2003 to support this Request to Withdraw Notice of Abandonment. Applicants further submit herewith a Corrected Declaration of Ronald O. Neerings to overcome confusion caused by the typographical errors "07/17/02" and "07/26/02" within Mr. Neerings Declaration, which correspond to dates having nothing to do with the present application.

No additional Extension of Time or Petition fee should be required.
Nevertheless, if the USPTO determines that a fee is required, please charge the fee to
Deposit Account No. 20-0668.

Respectfully submitted,



Ronald O. Neerings
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Attorney for Applicants

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